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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,567

02/21/2007

James Thompson

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7590 06/23/2010
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

06/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,567	Applicant(s) THOMPSON, JAMES	
	Examiner JOSEPH F. EDELL	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9,12-27,29-47,51-57 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,12-21,23-27,29,30,34-47,51-57 and 59-65 is/are rejected.
- 7) ☒ Claim(s) 22 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 April 2010 has been entered.

Claim Objections

Claims 55 and 56 objected to because of the following informalities: "Clam" (line 2) should read --Claim--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-9, 12-21, 24-27, 29, 30, 34-45, 47, and 51-65 are rejected under 35 U.S.C. 102(b) as being anticipated by PCT Publication WO 03/053735 A1 to Thompson.

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Thompson discloses a seating arrangement that includes all the limitations recited in claims 1, 2, 6-9, 12-21, 24-27, 29, 30, 34-45, 47, and 51-65. Thompson shows a seating arrangement of an aircraft providing a sleeping compartment and a plurality of seating positions (see Fig. 4), each seating position including a footwell located forwardly of a seat in a forward direction, a sleeping surface projecting into the footwell, a first of the seating positions (unnumbered seat in Fig. 4) displaced with respect to a second of the seating positions (seat 30' in Fig. 40 in both a forward direction and a perpendicular transverse direction such that the footwell of the first seating position is located beside the seat of the second seating position in the transverse direction, the second seating position/sleeping compartment being located generally forward of the first seating position/sleeping compartment, a top portion (seat base 50 and armrest 32 of seat 30') of the first seating position's footwell enclosing the footwell from above to define a console adjacent the second seating position's seat (seat base 50 of seat 30), each seat is operable into a reclined state in which a component of the seat projects into the respective footwell, and the second seating position partially overlaps with the first seating position's footwell in the transverse direction such that the second seating position overhangs part of the first seating position's footwell along a side of the footwell.

Regarding claim 2, each seat of Thompson is associated with one or more armrests, a respective armrest of the first seating position and of the second seating position overlap in the transverse direction.

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Regarding claim 3, Thompson's respective seats of the first and second seating positions overlap in the transverse direction.

Regarding claim 4, each seat of Thompson includes a back and a base wherein, when the seats are in the reclined state, the respective backs of the first and second seating positions overlap in the transverse direction, and the second seating position overlaps with the footwell of the first seating position in the transverse direction.

Regarding claim 6, the footwells of Thompson are shaped to become narrower in the forward direction

Regarding claims 8, 9, and 15-18, Thompson's arrangement including a shell shaped to define a respective station for one or more of the seats and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell is shaped so that each station become wider, and the footwell become correspondingly narrower in the transverse direction, the second seating position overlaps with the footwell of the first seating position in the transverse direction, the station for the second seating position overlaps or overhangs part of the footwell of the first seating position, the footwell of the first seating position becomes narrower in a direction generally away from a ground surface on which the arrangement rests during use, the footwell of the first seating position narrows at an inflected position located between the leg support component of the seat, when reclined, of first seating position and the back of the seat, when reclined, of the seat of the second seating position, the shell is shaped so that the seat become wider,

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and the adjacent footwell becomes correspondingly narrower in the direction generally away from the ground surface.

Regarding claim 12, Thompson's second seating position overlaps with the footwell of the first seating position in the transverse direction and overhangs part of the footwell of the first seating position, the respective seats of the first and second seating positions overlap in the transverse direction, and the seat of the second seating position overhangs part of the footwell of the first seating position.

Regarding claim 19, each seat of Thompson includes a back, a seat base and the leg-supporting component, and when moving from an upright state to the reclined state, the back, seat base, and leg-supporting component each move in a generally forward direction.

Regarding claim 24, each seat of Thompson, in the reclined state, provides a respective sleeping surface that is substantially horizontal with the ground surface on which the seating arrangement rests during use.

Regarding claims 8 and 25-27, a shell of Thompson shaped to define a respective station for two or more of the seats in a row and to define a respective footwell on one side of the station, the stations of the first and second seating positions overlap in the transverse direction, the shell has a portion for accommodating the back or the back rest of a seat, and the portion being fixed in the fore-and-aft direction.

Regarding claim 30, Thompsons disclose a tray in the armrest such that the tray is a table with a leaf associated with each console and deployable from a stowed state in or on the console to be parallel with the ground surface.

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Regarding claims 34-36, Thompson's shell is shaped to define an upright web portion (near arm 66) extending adjacent a single station and with a surface area disposed in a plane generally perpendicular to the forward direction and carrying a monitor/screen 68 between passengers.

Regarding claim 37, Thompson's footwell of the first seating position extends beyond the base of the seat, when upright, of the second seating position in the forward direction.

Regarding claim 38, a plurality of Thompson's seating positions are arranged in rows and ranks, the rows being generally perpendicular to the ranks and being partitioned by one or more aisles, the aisles being generally parallel with the ranks,

Regarding claim 39, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, alternate rows comprising two seating positions and then three seating positions between the aisles.

Regarding claim 40, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, alternate rows comprising two seating positions and then one seating position between the aisles.

Regarding claim 41, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, each row comprising two seating positions between the aisles.

Regarding claim 42, two aisles of Thompson with each row comprising a respective single seating position on the outer side of each aisle, each row comprising three seating positions between the aisles.

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Regarding claim 43, one aisle of Thompson with each row comprising a respective two seating positions on either side of the aisle.

Regarding claim 44, one aisle of Thompson with alternate rows comprising one seating position and then two seating positions on either side of the aisle.

Regarding claim 45, three aisles of Thompson with each row with a respective single seating position on both sides of each aisle.

Regarding claims 47 and 48, each seating position of Thompson provides a respective sleeping compartment with a footwell, a seat, and a sleeping surface projecting into the footwell wherein the sleeping compartments of the first and second seating positions overlap in the transverse direction, and the sleeping compartment of the second seating position overlaps the footwell of the sleeping compartment of the first sleeping compartment in the transverse direction.

Regarding claims 62 and 63, Thompson's footrest 70 is part of the seat that, when in the reclined state, slopes downwardly toward the floor in the forward direction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of U.S. Patent No. 6,059,364 to Dryburgh et al.

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Thompson discloses a seating arrangement that is basically the same as that recited in claims 23 and 46 except that the armrest lacks overhanging a reclining back and the footwell lacks a platform, as recited in the claim. Dryburg et al. show a seating arrangement similar to Thompson wherein the arrangement has an armrest 25 that overhangs a reclining seat back 42 and a footwell 18 with a platform. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating arrangement of Thompson such that the armrest overhangs a reclining seat back and to include a platform in each footwell, such as the seating arrangement disclosed by Dryburg et al. One would have been motivated to make such a modification in view of the suggestion in Dryburg et al. that the reclining seat back and armrest configuration provides a fully reclined seat back oriented below the adjacent armrest and that footwell platform provides additional storage space.

Allowable Subject Matter

Claims 22 and 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

With respect to Thompson, Applicant's arguments filed 23 April 2010 have been fully considered but they are not persuasive. Applicant argues that Thompson fails to disclose a console defined by the enclosure of the first seating position's footwell, as

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recited in claim 1. Examiner disagrees. Please note that Examiner reasonably interprets a "console" as a small storage cabinet. Figure 4 of Thompson shows that the footwell of the first seating position (unnumbered rear seat) includes seat base 50 of seat 30' that encloses the footwell from above to define a small storage cabinet, i.e. a console. Thompson's console is adjacent to the seat (seat base 50) of the second seating position 30. Therefore, Thompson discloses each and every feature of claim 1.

Next, Applicant argues that Thompson fails to disclose each sleeping compartment including a region for receiving a passenger's arms when lying on his back on the respective sleeping surface and that the second sleeping compartment partially overlaps with the first sleeping compartment's footwell in the transverse direction such that the arm-receiving region of the second sleeping compartment overhangs part of the first sleeping compartment's footwell along a side of the footwell, as recited in claim 52. Examiner disagrees. Figure 4 of Thompson shows that each sleeping compartment includes an arm-receiving region (armrests 32,34) where the second sleeping compartment 30 partially overlaps with the first sleeping compartment's footwell (well enclosed by seat base 50 of seat 30') in the transverse direction. Thompson's arm-receiving region (armrests 32,34) of the second sleeping compartment 30 overhangs part of the first sleeping compartment's footwell (well enclosed by seat base 50 of seat 30') along a side of the footwell. Therefore, Thompson discloses each and every feature of claim 52.

Applicant argues that Thompson fails to disclose each seating position includes a respective region for receiving the base of the respective seat where the second seating

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position partially overlaps with the respective footwell of the first seating position in the transverse direction such that the second seating position's seat base-receiving region overlaps part of the first seating position's footwell along a side of the footwell, as recited in claim 57. Examiner disagrees. Please note that the Examiner reasonably interprets the seat base-receiving region of each seating position to include the armrests 32,34. Figure 4 of Thompson shows the armrest 32,34 of the second seating position 30 overlapping part of the first seating position's footwell (well enclosed by seat base 50 of seat 30') along a side of the footwell. Therefore, Thompsons each and every feature of claim 52.

With respect to claim 24, Applicant argues that Thompson's seat does not recline to provide a substantially horizontal sleeping surface, as recited in the claim. Examiner disagrees. Each of Thompson's seating positions includes a seat portion that remains substantially horizontal with the ground surface as all times. Because a sleeping user employs Thompson's seat portion as a sleeping surface, Thompson discloses each and every feature of claim 24.

With respect to claims 53, 54, and 64, Applicant argues that Thompson's armrest 34 can not be regarded as a region for receiving the seat base to overhang part of the first seating position's footwell. Examiner disagrees. Each of Thompson's seat's include a seat base 50,50' enclosed on three sides by the seat back 52, armrest 32, and truncated armrest 34. Because armrests 32,34 act to receive the seat base 30 by enclosing it, Thompson discloses each and every feature of claims 53, 54, and 64.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
June 23, 2010